

From: [Suzette Bagneris](#)
To: [R6 FOIA](#)
Subject: Re: Follow-up Needed FOIA Request EPA-R6-2019-006586
Date: Wednesday, June 19, 2019 10:43:35 AM

Thank you for your email. I am looking for records from 2013 through June 19, 2019. It is our understanding that the City of New Orleans was advised of the presence of Radium 226 and other radioactive materials in the soil in the 3400 block of Coolidge Street in New Orleans in 2013. It is our understanding that EPA became involved in discussions regarding this matter between 2013 and May 28, 2019, when the remediation effort began. It is our understanding that officials from EPA were present during the remediation.

It is our understanding that this area is on or near a former Superfund Site of Thompson Haywood Chemical Company.

We are requesting publicly available information only and excluding CBI.

If you require any additional information, please advise.

On Jun 17, 2019, at 2:32 PM, r6foia@epa.gov wrote:

Please reply to r6foia@epa.gov .

Dear Ms. Bagneris:

This email is in regards to your FOIA request EPA-R6-2019-006586 in which you requested, "...Any and all documents in the possession of the U.S. EPA regarding the presence of Radium-226 and other radioactive materials in the subsurface soil located at or near Lowerline, Coolidge and Edinburg Streets in New Orleans, Louisiana, including but not limited to the following: communications with the Louisiana Dept of Environmental Quality; communications with the City of New Orleans; results of environmental testing, sampling; material safety data sheets; risk assessments; requests for proposal and bids from any remediation contractors including ARS Aleut Remediation, LLC; any actions EPA took to warn and/or to protect Plaintiffs, other residents or other business owners of the presence of soil contamination and the risk of exposure to Radium-226 and radiation; any and all documents related to the remediation of the soil in the 3400 block of Lowerline Street and the area near the former Thompson-Haywood Chemical Company; any communications with any principal responsible parties who may have placed the contaminants in the soil; any documents that identify the geographic area where the City distributed the "Construction Notice" and "Frequently Asked Questions" documents on or about May 18, 2019; any documents that set forth when and how the City first learned about the presence of of Radium-226 and other radioactive materials in the subsurface soil located at or near Lowerline, Coolidge and Edinburg Streets in New Orleans, Louisiana; any and all documents that identify the contaminants identified in the soil in the 3400 block of Lowerline Street and the area near the former Thompson-Haywood Chemical Company; any

documents that identify any companies who obtained business permits from the City to operate any type of business at or near the 3400 block of Lowerline Street and the area near the former Thompson-Haywood Chemical Company; any and all documents that set forth land use restrictions for the former Thompson-Haywood Superfund site in New Orleans, Louisiana."

Please assist us in processing your FOIA Request.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA's FOIA regulations explain:

"Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request." 40 C.F.R. § 2.102(c).

We would like to provide you the opportunity to clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. § 2.102(c), please include any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter. Additionally, the FOIA does not require federal agencies to respond to questions so please consider that as you are modifying your request.

Please provide the date range of records requested. (Note: We cannot provide future records that do not exist yet).

We also need your decision on whether you are requesting publicly available information only and excluding CBI. If there is any confidential business information (CBI) found, please tell us if would you like to have this CBI substantiated at an additional expense. CBI substantiation is generally at minimum a one year process with separate additional expenses. If documents are withheld under any other FOIA exemptions, please inform us if you require a denial log when any documents are withheld under any other non-CBI exemptions. If you request a denial log, please note it may take longer to process your FOIA request. We can also provide an index of withheld information in lieu of CBI substantiation.

Lastly, you may want to obtain records related to your request from the City of New Orleans at <https://nola.nextrequest.com/> and from the state office Louisiana Department of Environmental Quality at <https://edms.deq.louisiana.gov/prr/RequestForm.aspx>.

We look forward to your clarification. Please let us know if you would like to provide clarification or to modify/withdraw your FOIA request by contacting r6foia@epa.gov before July 01, 2019. In the meanwhile, your FOIA request is on hold.

Additionally, you may seek dispute resolution services from EPA's FOIA Public

Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510 , 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Sincerely,

Nancy Ho

EPA Region 6 FOIA Team

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